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UNITED STATES DISTRICT COURT
DISTRICT OF HAVAII

JUN 1 4 2004

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## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAI'I

SPORTS SHINKO (USA) CO., LTD., a Delaware corporation,

Plaintiff,

vs.

MILILANI GOLF CLUB, LLC, a )
Hawai'i limited liability company,)

Defendant.

CV 04-00128 ACK/BMK

FIRST AMENDED
COMPLAINT TO SET ASIDE
FRAUDULENT TRANSFER
(MILILANI GOLF CLUB);
SUMMONS; CERTIFICATE OF
SERVICE

AITEST: A True Copy WALTER A.Y.H. CHINN Clark, United States District Court, District of Hawaii

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## FIRST AMENDED COMPLAINT TO SET ASIDE FRAUDULENT TRANSFER (MILILANI GOLF CLUB)

Plaintiff SPORTS SHINKO (USA) CO., LTD. ("SS USA"), through its undersigned attorneys, brings this action to set aside a transfer made in violation of the Uniform Fraudulent Transfer Act, HRS Ch. 651C. SS USA seeks damages as well as equitable and declaratory relief.

## **PARTIES**

1. Plaintiff SS USA is a corporation organized and operating under the laws of Delaware. Its principal place of business is in West Virginia. SS USA's majority owner is Sports

Shinko Co., Ltd. ("SS Japan"), a Japanese corporation. SS Japan was in reorganization under Japanese law under the control of Trustee Mutsuo Tahara and Deputy Trustee Keijiro Kimura (collectively, the "Trustee"). Keijiro Kimura was President of Sports Shinko (Hawai'i) Co., Ltd. ("SSH"), a Hawai'i corporation, which is wholly owned by SS USA. SSH owns all the stock of Sports Shinko (Mililani) Co., Ltd.

E. Award SS USA damages commensurate with the proof at trial as well as its attorneys' fees and costs, and such other and further relief as may be just and proper.

DATED: Honolulu, Hawai i,

PAUL ALSTON

GLENN T. MELCHINGER

Attorneys for Plaintiff